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 17 PHILIPS LUMILEDS LIGHTING COMPANY,
 18 LLC

19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 OAKLAND DIVISION

23
 24 EPISTAR CORPORATION,
 25 Plaintiff,
 26 v.
 27 PHILIPS LUMILEDS LIGHTING
 28 COMPANY, LLC,
 29 Defendant.

30 AND RELATED COUNTERCLAIMS

31 Case No. C-07-5194 CW

32
 33 **ADMINISTRATIVE REQUEST TO FILE
 34 UNDER SEAL PURSUANT TO CIVIL L.R.
 35 79-5 PHILIPS LUMILEDS LIGHTING
 36 COMPANY'S REPLY IN SUPPORT OF
 37 ITS MOTION FOR SUMMARY
 38 JUDGMENT AND EXHIBITS A-L TO THE
 39 DECLARATION OF MICHAEL J. LYONS
 40 IN SUPPORT OF PHILIPS LUMILEDS
 41 LIGHTING COMPANY'S REPLY IN
 42 SUPPORT OF ITS MOTION FOR
 43 SUMMARY JUDGMENT**

1 Pursuant to Civil L.R. 79-5, Philips Lumileds Lighting Company, LLC (“Lumileds”)
 2 requests the following documents to be filed under seal. These documents are confidential and
 3 subject to one or more of the following Protective Orders: (1) the Protective Order entered by the
 4 administrative law judge in the ITC Investigation *In the Matter of Certain High-Brightness Light*
 5 *Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556, attached as
 6 Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting
 7 Company’s Motion to Stay (“Wu Declaration”), filed with this Court on January 31, 2008, with
 8 Lumileds’ motion to stay the present litigation; (2) the Stipulated Protective Order in the case
 9 *Lumileds Lighting U.S., LLC v. Epistar Corporation*, Case No. 02-5077 CW (EAI) (N.D. Cal.),
 10 attached as Exhibit A to the Declaration of Michael Lyons in Support of Lumileds Administrative
 11 Request to File Under Seal Lumileds’ Motion for Summary Judgment and Exhibits to the
 12 Declaration of Ryan Scher in Support of Lumileds Motions for Summary Judgment in the present
 13 litigation [D.I. 61]; and (3) the Protective Order in the case *United Epitaxy Co., Ltd. v. Hewlett-*
 14 *Packard Co.*, No. C00-2518 CW (N.D. Cal.), attached as Exhibit B to the Declaration of Michael
 15 Lyons in Support of Lumileds Administrative Request to File Under Seal Lumileds’ Motion for
 16 Summary Judgment and Exhibits to the Declaration of Ryan Scher in Support of Lumileds
 17 Motions for Summary Judgment in the present litigation [D.I. 61] (collectively, the “Protective
 18 Orders”).

19 1. Philips Lumileds Lighting Company, LLC’s Reply In Support of It Motion for
 20 Summary Judgment contains information designated by Lumileds and Epistar Corporation as
 21 confidential and subject to one or more of the Protective Orders.

22 2. Exhibit A to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 23 Lighting Company, LLC’s Reply in Support of Its Motion for Summary Judgment is a true and
 24 correct copy of relevant portions of the March 27, 2006 deposition transcript of C.C. Lu in the
 25 ITC’s investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products*
 26 *Containing Same*, USITC Inv. No. 337-TA-556, which was admitted as Complainant’s Exhibit
 27 CX 605C in that investigation. This document contains information designated by Epistar
 28 Corporation as confidential and subject to one or more of the Protective Orders.

1 3. Exhibit B to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 2 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 3 correct copy of a letter dated June 18, 2004 from Michael J. Lyons to Robert C. Weiss, including
 4 attachment. This document contains information designated by Lumileds and Epistar
 5 Corporation as confidential and subject to one or more of the Protective Orders.

6 4. Exhibit C to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 7 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 8 correct copy of emails dated April 26, 2004 from Andrew J. Wu to Lawrence R. LaPorte. This
 9 document contains information designated by Lumileds and Epistar Corporation as confidential
 10 and subject to one or more of the Protective Orders.

11 5. Exhibit D to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 12 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 13 correct copy of a letter dated June 22, 2004 from Andrew J. Wu to Lawrence R. LaPorte. This
 14 document contains information designated by Lumileds and Epistar Corporation as confidential
 15 and subject to one or more of the Protective Orders.

16 6. Exhibit E to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 17 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 18 correct copy of a letter dated June 24, 2004 from Robert C. Weiss to Michael J. Lyons, including
 19 attachment. This document contains information designated by Lumileds and Epistar
 20 Corporation as confidential and subject to one or more of the Protective Orders.

21 7. Exhibit F to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 22 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 23 correct copy of a letter dated June 23, 2004 from Lawrence R. LaPorte to Andrew J. Wu. This
 24 document contains information designated by Lumileds and Epistar Corporation as confidential
 25 and subject to one or more of the Protective Orders.

26 8. Exhibit G to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 27 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 28 correct copy of an email dated April 23, 2004 from Andrew J. Wu to Lawrence R. LaPorte, et. al.,

1 including attachment. This document contains information designated by Lumileds and Epistar
 2 Corporation as confidential and subject to one or more of the Protective Orders.

3 9. Exhibit H to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 4 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 5 correct copy of a letter dated April 30, 2004 from Robert C. Weiss to Andrew J. Wu. This
 6 document contains information designated by Lumileds and Epistar Corporation as confidential
 7 and subject to one or more of the Protective Orders.

8 10. Exhibit I to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 9 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 10 correct copy of a letter dated May 7, 2004 from Michael J. Lyons to Robert C. Weiss, including
 11 attachment. This document contains information designated by Lumileds and Epistar
 12 Corporation as confidential and subject to one or more of the Protective Orders.

13 11. Exhibit J to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 14 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 15 correct copy of a letter dated May 19, 2004 from Robert C. Weiss to Michael J. Lyons, including
 16 attachment. This document contains information designated by Lumileds and Epistar
 17 Corporation as confidential and subject to one or more of the Protective Orders.

18 12. Exhibit K to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 19 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 20 correct copy of a letter dated June 16, 2004 from Robert C. Weiss to Michael J. Lyons, including
 21 attachment. This document contains information designated by Lumileds and Epistar
 22 Corporation as confidential and subject to one or more of the Protective Orders.

23 13. Exhibit L to the Declaration of Michael J. Lyons in Support of Philips Lumileds
 24 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
 25 correct copy of Epistar Corporation's Responsive Claim Construction Brief filed with the Court
 26 on June 18, 2004. This document contains information designated by Lumileds and Epistar
 27 Corporation as confidential and subject to one or more of the Protective Orders.

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1 Lumileds will lodge the aforementioned documents in hard copy with the Court as well as
 2 lodge a redacted version of the Reply in Support of Its Motion for Summary Judgment. This
 3 request is supported by the following declaration.

4 For the foregoing reasons, Lumileds requests that the Court order the above documents
 5 sealed pursuant to the Protective Order entered by the administrative law judge in the ITC
 6 Investigation.

7 Dated: July 24, 2008

8 Respectfully Submitted,

9 MORGAN, LEWIS & BOCKIUS LLP

10 By /s/ Michael J. Lyons

11 Michael J. Lyons
 12 Attorneys for Defendant and
 13 Counterclaimant
 14 Phillips Lumileds Lighting Company, LLC

15 I, Michael J. Lyons, declare as follows:

16 1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP, attorneys for
 17 Philips Lumileds Lighting Company, LLC. I am a member in good standing of the Bar of the
 18 State of California and admitted to practice in the United States District Court for the Northern
 19 District of California. I submit this declaration in support of the above Administrative Request to
 20 File Documents Under Seal Pursuant to Civil L.R. 79-5.

21 2. I have personal knowledge of each statement set forth in the Administrative
 22 Request to File Under Seal Pursuant to Civil L.R. 79-5, and each such statement is true and
 23 correct.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
 25 the 24th day of July 2008 in Palo Alto, California.

26 /s/ Michael J. Lyons